UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,067	02/12/2001	Neal Jacob Manowitz	50P3840.01	9797

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EXAMINER
JERABEK, KELLY L

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/782,067	MANOWITZ ET AL.
	Examiner	Art Unit	
	Kelly L. Jerabek	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/6/2006 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments regarding claim 5 (Amendment pages 6-7) state that the Steinberg reference fails to disclose "said digital camera being incapable of communicating with any external device other than said exclusive and remote location" as disclosed in amended claim 5. The Examiner is rejecting claim 5 under 35 U.S.C. 103 (a) as being unpatentable over Steinberg in view of Krishan et al. US 6,442,529 therefore, the argument above regarding the Steinberg reference alone is moot.

Applicant's arguments (Amendment pages 7-8) state that the Steinberg reference nowhere states that **image data** is uploaded from the camera to the messaging center. Applicants further submit that the "other information such as the quantity of images taken by a camera, the type of images, etc." is not the same as **image data**. The Examiner respectfully disagrees. The PTO must give words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary

skill in the art. In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997.). The

Examiner maintains that the term "image data" does not constitute only data that is

generated by the image sensor. The term "image data" may refer to any data that is

representative of the images captured by a camera. Therefore, the Examiner is reading

the data indicating quantity of images and type of images as "image data" since it is

data that is representative of the images captured by a camera (page 3, paragraph 39).

Applicant's arguments (Amendment page 10) state that the Krishan reference

teaches variously communicating with a "validation server", an "advertisement server", a

"content server", and a "statistics server" and therefore, the reference does not teach

"said digital camera being incapable of communicating with any external device other

than said exclusive and remote location". The Examiner respectfully disagrees.

Krishan discloses a method for delivering targeted information over the internet.

Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20)

based on the number of ads downloaded and displayed by a mini-portal and viewed by

users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the

hardware (modem) of a mini-portal for free in return for viewing messages and may

receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined

location (ISP 24) to the mini-portals so that the mini-portals will only function upon

receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).

Thus it can be seen that advertising data is downloaded solely from an exclusive and

predetermined remote location (ISP 24) to a device (mini-portal of computer) for

displaying advertisements. **It can be seen in figure 4 that the personal computer**

(50) including a mini-portal (51) is only capable to connect to the Internet via ISP

(52) (col. 12, lines 18-30). Therefore, the personal computer (50) is incapable of

communicating with any external device other than the exclusive and remote

location (ISP 52). Although the computer (50) is capable of connecting to

validation server (53), advertisement server (54), statistics server (55) and content

server (56) via the remote location (ISP 52) this does not mean that the computer

is capable of communicating with external devices other than the exclusive

remote location. The computer (50) may only be connected to the exclusive

remote location (ISP 52). Any subsequent communication between the exclusive

remote location (ISP 52) and any other device does not constitute a direct

connection to the computer (50). Therefore, the combination of the Steinberg and

Krishan references teaches all of the limitations of amended claim 5.

Applicant's arguments regarding claims 16 and 17 (Amendment page 11) state

that neither reference teaches a "combined download/upload request". The Examiner

respectfully disagrees. Steinberg states that an intelligent advertisement center may

build a user profile based on information (uploading information) such as quantity of

images taken, type of images, etc. in order to determine a class of interest (page 3

paragraph 39). Steinberg also states that advertising information is downloaded by a

camera (14). Similarly, Krishan states that a portal provider (20) may push

advertisements to a mini-portal and also obtain information from the computers of the

users (22) in response to the advertisements that are sent using the mini-portals (col. 7,

lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined

download/upload request (push advertisements and obtain information from users).

Krishan also states that validation stamps are periodically sent by the portal provider

(20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it

can be seen that the download/upload request occurs at regular intervals according to

the validation stamps sent by the portal provider (20).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claim1-4 and 9-11 rejected under 35 U.S.C. 102(e) as being anticipated by

Steinberg US 2002/0041329.

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message

center (12) and a digital camera (14) capable of communicating in various ways (page,

2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal

to a transceiver (18) for conveying the camera identification (ID) to a remote storage

device (message center 12) and in response the remote storage device (12) transmits

messages that are identified for the particular camera/user back to the camera (14)

(page, 2, paragraph 37). Therefore, since a camera ID is verified and message

information is sent to the camera (14) corresponding to the camera ID it can be seen

that message data (corresponding to the camera ID) is sent from the remote storage

device (12) to the camera (14) via an exclusive connection. Although there are various

ways of communication between a remote location (message center 12) and a camera

(14) the communication is still solely between an exclusive and predetermined remote

location (message center 12) and the camera (14) (a.k.a. only messages from the

message center (12) will be sent to the camera). In a different scenario, an intelligent

advertisement center may build a user profile for the camera based on image

information from the camera such as the type of images in the camera (page 3,

paragraph 39). The Examiner is reading the quantity of images and type of images as

image data because the "other information" such as quantity of images and type of

images constitute data that is generated based on the images captured by camera (14).

Therefore, since the user profile is built based on image data (quantity of images, type

of images) it can be seen that image data from the digital camera (14) is uploaded to a

predetermined remote location (message center (12)). Also, figure 1 shows that only a

message center (12) connected to the network can receive the image information.

Therefore, the data is sent exclusively to the remote storage device.

Re claim 2, Steinberg states that an intelligent advertisement center may build a

user profile for the camera based on image information from the camera such as the

type of images in the camera (page 3, paragraph 39). The Examiner is reading the

quantity of images and type of images as image data because the "other information"

such as quantity of images and type of images constitute data that is generated based

on the images captured by camera (14). Steinberg also states that the digital camera

(14) includes a sensor (digital image acquisition apparatus 88) for generating images

(page 4, paragraph 52). Thus it can be seen that image data (eg. Data indicating

number of images taken) is formed when sensor (88) acquires images.

Re claim 3, Steinberg states that the camera (14) receives advertisement

messages from the message center (12) and stores them in RAM (150) (page 3,

paragraph 41). The camera (14) includes a ROM (149) and ROM (150) to store image

data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, the camera (14) includes a display (48) for viewing image data

(number of images taken) and advertisement messages received from the message

center (12) (page 4, paragraph 53; figure 2).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message

center (12) and a digital camera (14) capable of communicating in various ways (page,

2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal

to a transceiver (18) for conveying the camera identification (ID) to a remote storage

device (message center 12) and in response the remote storage device (12) transmits

messages that are identified for the particular camera/user back to the camera (14)

(page, 2, paragraph 37). Therefore, since a camera ID is verified and message

information is sent to the camera (14) corresponding to the camera ID it can be seen

that message data (corresponding to the camera ID) is sent from the remote storage

device (12) to the camera (14) via an exclusive connection. Although there are various

ways of communication between a remote location (message center 12) and a camera

(14) the communication is still solely between an exclusive and predetermined remote

location (message center 12) and the camera (14) (a.k.a. only messages from the

message center (12) will be sent to the camera). In a different scenario, an intelligent

advertisement center may build a user profile for the camera based on image

information from the camera such as the type of images in the camera (page 3,

paragraph 39). The Examiner is reading the quantity of images and type of images as

image data because the "other information" such as quantity of images and type of

images constitute data that is generated based on the images captured by camera (14).

Therefore, since the user profile is built based on image data (quantity of images, type

of images) it can be seen that image data from the digital camera (14) is uploaded to a

predetermined remote location (message center (12)). Steinberg also states that the

camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 10, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 11, when the camera (14) is turned on it **automatically** transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-8 and 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Krishan et al. US 6,442,529.

Re claim 5, Steinberg discloses in figure 1 a system (10) including a message

center (12) and a digital camera (14) capable of communicating in various ways (page,

2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal

to a transceiver (18) for conveying the camera identification (ID) to a remote storage

device (message center 12) and in response the remote storage device (12) transmits

messages that are identified for the particular camera/user back to the camera (14)

(page, 2, paragraph 37). Therefore, since a camera ID is verified and message

information is sent to the camera (14) corresponding to the camera ID it can be seen

that message data (corresponding to the camera ID) is sent from the remote storage

device (12) to the camera (14) via an exclusive connection. Although there are various

ways of communication between a remote location (message center 12) and a camera

(14) the communication is still solely between an exclusive and predetermined remote

location (message center 12) and the camera (14) (a.k.a. only messages from the

message center (12) will be sent to the camera). In a different scenario, an intelligent

advertisement center may build a user profile for the camera based on image

information from the camera such as the type of images in the camera (page 3,

paragraph 39). As disclosed above the communication is still solely between an

exclusive and predetermined remote location (message center 12) and the camera (14)

(a.k.a. image data from the camera (14) will only be sent to message center (12). The

Examiner is reading the quantity of images and type of images as image data because

the "other information" such as quantity of images and type of images constitute data

that is generated based on the images captured by camera (14). Therefore, since the

user profile is built based on image data (quantity of images, type of images) it can be

seen that image data from the digital camera (14) is uploaded to a predetermined

remote location (message center (12)). Also, figure 1 shows that only a message

center (12) connected to the network can receive the image information. Therefore, the

data is sent exclusively to the remote storage device. Steinberg also states that the

camera (14) receives advertisement messages from the message center (12) and

stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is

downloaded from the predetermined remote location (message center (12)) to the digital

camera (14). The camera (14) also includes a display (48) for displaying advertisement

messages received from the message center (12) (page 4, paragraph 53; figure 2).

Although the Steinberg reference discloses all of the above limitations, it fails to

distinctly state that the digital camera is unable to exchange electronic information with

any electronic devices except for the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet.

Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20)

based on the number of ads downloaded and displayed by a mini-portal and viewed by

users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the

hardware (modem) of a mini-portal for free in return for viewing messages and may

receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined

location (ISP 24) to the mini-portals so that the mini-portals will only function upon

receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).

Thus it can be seen that advertising data is downloaded solely from an exclusive and

predetermined remote location (ISP 24) to a device (mini-portal of computer) for

displaying advertisements. **It can be seen in figure 4 that the personal computer**

(50) including a mini-portal (51) is only capable to connect to the Internet via ISP

(52) (col. 12, lines 18-30). Therefore, the personal computer (50) is incapable of

communicating with any external device other than the exclusive and remote

location (ISP 52). Although the computer (50) is capable of connecting to

validation server (53), advertisement server (54), statistics server (55) and content

server (56) via the remote location (ISP 52) this does not mean that the computer

is capable of communicating with external devices other than the exclusive

remote location. The computer (50) may only be connected to the exclusive

remote location (ISP 52). Any subsequent communication between the exclusive

remote location (ISP 52) and any other device does not constitute a direct

connection to the computer (50). Therefore, it would have been obvious for one

skilled in the art to have been motivated to implement the business method of an

advertiser paying a distributor based on the number of ads viewed by a user and

providing a device to a user for a reduced rate, the device only being able to transmit

and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera

capable of downloading advertisements from a messaging center as disclosed by

Steinberg. Doing so would provide a means for delivering advertising over a wireless

connection and providing subsidized hardware in exchange for receiving advertising

(Krishan: col. 1, lines 14-20).

Re claims 6 and 7, Krishan discloses a method for delivering targeted information

over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor

(portal provider 20) based on the number of ads downloaded and displayed by a mini-

portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the

distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or

provide it for free based on the advertising data downloaded by the mini-portal (col. 6,

lines 49-65).

Re claim 8, figure 1 shows that only an intelligent advertisement center (message

center 12) connected to the network can receive the image information and build a user

profile (page 3, paragraph 39). Therefore, uploading the image data occurs only at the

predetermined remote location (message center 12).

Re claim 12, Krishan states that validation stamps are sent by an exclusive and

predetermined location (portal provider 20 via ISP) to the mini-portals so that the mini-

portals will only function upon receiving a validation stamp from the portal provider (20)

(col. 8, line 53-col. 9, line 21).

Re claim 13, Krishan states that a distributor (portal provider 20) of mini-portals

implements the functional characteristics (uploading, downloading, and displaying) of

the mini-portals and also the portal provider (20) pushes advertising data to the mini-

portals, the mini-portals display advertising data in an automatic manner, and a user

(22) of the mini-portals is unable to prevent the displaying of the advertisements (col. 6,

lines 49-67; col. 8, lines 60-65).

Re claim 14, Krishan states that the portal provider (20) distributes the mini-

portals and administers and maintains an exclusive and predetermined remote location

(ISP) from which advertising data is downloaded (col. 6, lines 49-64).

Re claims 15 and 16, Steinberg states that an intelligent advertisement center

may build a user profile based on information (uploading information) such as quantity

of images taken, type of images, etc. in order to determine a class of interest (page 3

paragraph 39). Steinberg also states that advertising information is downloaded by a

camera (14). Similarly, Krishan states that a portal provider (20) may push

advertisements to a mini-portal and also obtain information from the computers of the

users (22) in response to the advertisements that are sent using the mini-portals (col. 7,

lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined

download/upload request (push advertisements and obtain information from users).

Krishan also states that validation stamps are periodically sent by the portal provider

(20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it

can be seen that the download/upload request occurs at regular intervals according to

the validation stamps sent by the portal provider (20).

Re claims 17 and 18, Krishan discloses a method for delivering targeted

information over the internet. Krishan states that an advertiser (ISP 24) may pay a

distributor (portal provider 20) based on the number of ads downloaded and displayed

by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that

the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price

or provide it for free based on the advertising data downloaded by the mini-portal (col. 6,

lines 49-65).

Re claim 19, Steinberg states that downloading of advertising data is triggered by

uploading image data (pages 2-3, paragraphs 38-39).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-**

7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).
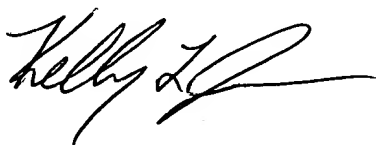
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Ometz can be reached on **(571) 272-7593.** The fax phone number for

submitting <u>all Official communications</u> is **(703) 872-9306.** The fax phone number for

submitting <u>informal communications</u> such as drafts, proposed amendments, etc., may

be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

DAVID OMETZ
SUPERVISORY PATENT EXAMINER